

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JACK ALLEN WILSON,

Plaintiff,

v.

JEANNE WOODFORD, et al.,

Defendants.

CASE NO. 1:05-cv-00560-OWW-SMS PC

ORDER VACATING PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT FROM
COURT'S CALENDAR

(Doc. 51)

Plaintiff Jack Allen Wilson ("plaintiff") is a former state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On April 20, 2007, plaintiff filed a motion for summary judgment. On May 1, 2007, pursuant to the parties' stipulation, the Court continued the discovery deadline to August 24, 2007, to take plaintiff's deposition and continued the pre-trial dispositive motion deadline to October 12, 2007. On July 24, 2007, the parties filed a stipulation to continue the discovery deadline to November 30, 2007, to take plaintiff's deposition and to continue the pre-trial dispositive motion deadline and deadline to oppose plaintiff's motion for summary judgment to January 11, 2008. Plaintiff has lung cancer, and is undergoing chemotherapy. (Doc. 57.) In addition, plaintiff began chest radiation and will begin brain radiation once the chest radiation is completed. (*Id.*) Due to the serious nature of plaintiff's health problems, good cause for the extensions was found and by separate order, the Court approved the stipulation.

In light of 28 U.S.C. § 476(a)(1), the Civil Justice Reform Act, plaintiff's motion for summary judgment is deemed vacated from the Court's calendar until such time as defendants file

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1 their opposition and either plaintiff files a reply or the motion is submitted pursuant to Local Rule
2 78-230(m).

3 Based on the foregoing, it is HEREBY ORDERED that plaintiff's motion for summary
4 judgment, filed April 20, 2007, is deemed VACATED from the Court's calendar.

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6 IT IS SO ORDERED.

7 **Dated: July 25, 2007**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE